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(formerly known as Facebook, Inc.)*

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ERICA FRASCO, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

FLO HEALTH, INC., GOOGLE, LLC,
FACEBOOK, INC., APPSFLYER, INC., and
FLURRY, INC.,

Defendants.

Case No.: 3:21-cv-00757-JD

**JOINT STIPULATION AND [PROPOSED]
ORDER MODIFYING SEALING
PROCEDURES RELATING TO CLASS
CERTIFICATION BRIEFING**

1 Flo Health, Inc. (“Flo”), Google, LLC (“Google”), Meta, Inc. (f/k/a Facebook, Inc.)
2 (“Meta”), and Flurry, Inc. (“Flurry”) (collectively, the “Defendants”), by and through their counsel,
3 and Plaintiffs Erica Frasco, Sarah Wellman, Jennifer Chen, Tesha Gamino, and Autumn Meigs
4 (collectively “Plaintiffs”), by and through their counsel (together, the “Parties”), hereby stipulate to
5 the following:
6

7 WHEREAS, on September 21, 2023, Plaintiffs filed their motion for class certification,
8 which attached 121 exhibits. Both Plaintiffs’ motion and many of the exhibits include information
9 designated “Confidential” and/or “Highly Confidential” (pursuant to the Protective Order entered in
10 this action at Dkt. 113) by one or more Parties;
11

12 WHEREAS, Defendants will file their opposition to class certification on October 30, 2023;

13 WHEREAS, Plaintiffs will file their reply in support of their motion for class certification
14 on November 30, 2023;

15 WHEREAS, the Parties anticipate that each of these briefs will continue to include or
16 reference information designated “Confidential” and/or “Highly Confidential” by one or more
17 Parties, which would, under Local Civil Rule 79-5, require multiple rounds of administrative
18 motions to seal, statements in support, and corresponding oppositions;

19 WHEREAS, in the interest of conserving both judicial and party resources, the Parties
20 respectfully move this Court for a modification to the applicable sealing procedures under Local
21 Civil Rule 79-5 as set forth below;
22

23 WHEREAS, the Parties’ proposal is made pursuant to this Court’s Standing Order Rule 31,
24 which states, in relevant part: “If the parties anticipate that this paragraph will apply to a round of
25 briefing, they may indicate in the initial motion to file under seal that accompanies a brief or other
26 document as it is lodged under seal on the docket, that a more fulsome and revised motion to seal
27

1 will be forthcoming after the completion of briefing pursuant to this paragraph of the Standing
2 Order.”

3 WHEREAS, this Court has previously approved similar modifications to the procedures
4 provided in Local Civil Rule 79-5 in other cases before it, such as *In re Google Play Store Antitrust*
5 *Litigation*, Case No. 3:20-cv-05671-JD (May 27, 2022) (Dkt. 264) (adopting procedure for omnibus
6 sealing motion to follow completion of briefing on underlying motion);
7

8 WHEREAS, in this stipulation, no Party takes any position as to the propriety of seeking to
9 seal any other Party’s redacted material, and each Party reserves all rights to oppose any other
10 Party’s sealing motion;

11 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED SUBJECT TO**
12 **THE COURT’S APPROVAL:**

- 13 • That the Parties shall follow the below sealing procedures in connection with class
14 certification briefing in lieu of the sealing procedures set out under Local Civil Rule 79-5.
- 15 • If a Party files a document for which it intends to request sealing, the Party may file
16 the document in redacted or slip-sheet form and contemporaneously lodge an unredacted (and
17 if necessary, highlighted) copy of the same document on the ECF docket, provisionally under
18 seal, along with a 1-page interim sealing motion indicating that the reasons for sealing will be
19 discussed in a forthcoming omnibus sealing motion.
- 20 • The Parties and any affected third parties shall jointly file an omnibus sealing motion
21 by December 14, 2023—i.e., within 14 days after the filing of the Plaintiffs’ reply brief in
22 support of the motion for class certification;
- 23 • The Party filing the underlying document sought to be sealed shall bear the
24 responsibility of: (1) notifying each affected third party regarding any of its confidential
25
26
27

information that has been filed under seal and (2) soliciting each affected third party's request(s) for sealing or waiver(s) of confidentiality for inclusion in the omnibus sealing motion; and

- The Party filing the underlying document sought to be sealed shall file the public-facing version of the document, with any redactions pursuant to the Court's sealing order, within 21 days following the Court's order on the omnibus sealing motion.

IT IS SO STIPULATED.

Dated: September 23, 2023

/s/ Ashley Rogers

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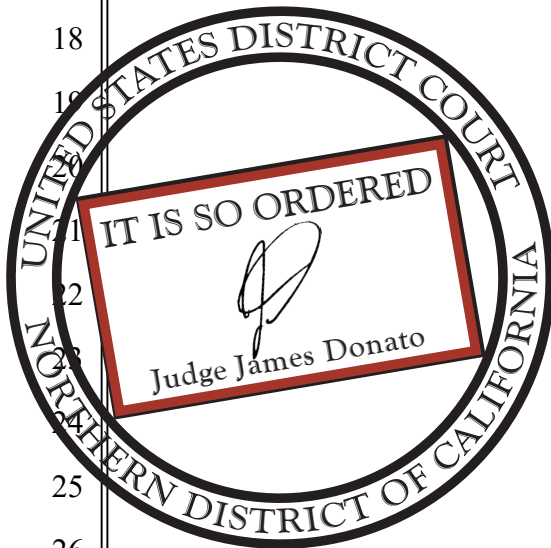
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IT IS SO ORDERED.